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AUG. 25. 2005 6:03PM INTERNATIONAL TRUCK & ENGINE

NO. 013 P.5/6

REMARKS

1. In the above-captioned Final Office Action, claims 1, 2, 4-10, 12-17, 19, and 20 were rejected under 35 U.S.C. §102(a) in view of Mazet (U.S. Patent No. 6,672,147). Claims 3, 11, and 18 were rejected under 35 U.S.C. §103(a) given Mazet in view of Amano et al. (2004/0060343). These rejections are traversed and reconsideration is hereby respectfully requested.

2. Claims 1, 2, 4-10, 12-17, 19, and 20 were rejected under 35 U.S.C. §102(a) in view of Mazet. Claims 3, 11, and 18 were rejected under 35 U.S.C. §103(a) given Mazet in view of Amano.

As Applicant mentioned in the Response dated July 27, 2005, Mazet describes comparing a pressure measured downstream of a fuel filter with a pressure upstream of the fuel filter, or as he states, a pressure "assimilated" with a pressure at a pump output. Mazet either measures the pressure at the pump outlet directly, or infers it based on operating parameters of the *pump*. As shown above, Mazet specifically lists operating parameters of the pump as instantaneous rotation speed of the pump, the mean supply current of an electric motor driving the pump, and the thermal state of the pump. Mazet does not teach nor imply considering operating parameters of the engine. One of skill in the art would recognize that the pump parameters set forth by Mazet are not engine operating parameters. These pump parameters are independent of engine parameters because Mazet's pump is independently driven by an electric motor and not the engine.

Further, Mazet makes no teaching or suggestion that the engine operating parameter is at least one of engine speed and engine load, because Mazet teaches only pump parameters that are independent of engine speed and load. Thus, Mazet does *not* teach or suggest determining a *predetermined value based on at least one engine operating parameter that includes at least one of engine speed and engine load*, as stated in independent claims 1 and 14 as amended, nor *determining a predetermined value that is a function of at least one engine operating parameter that includes at least one of engine speed and engine load*, as set forth in independent claim 7 as amended.

Hence, the applicant respectfully submits that independent claims 1, 7, and 14, as amended, and all of their respective dependent claims, may be passed to allowance.

The Applicant has previously provided arguments showing how Amano fails to teach the elements of claims 3, 11, and 18, and the Examiner's arguments are insufficient

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to overcome the lack of teaching in Amano. The Advisory Action fails to address the Amano reference.

Thus, claims 3, 11, and 18 of the present invention are not taught or suggested by Mazet and/or Amano. Combining these references fails to teach or yield the invention as claimed. The combination of these references fails to teach or suggest all the elements of the claim. Further, one of skill in the art would not be motivated to make such a combination. Therefore, the present invention is not obvious in light of any combination of Mazet and/or Amano.

Furthermore, claims 2-6, 8-13, and 15-20 are dependent upon an independent claim that is shown to be allowable. For all these reasons, the dependent claims are themselves allowable.

3. The Applicants amend claims 1, 7, and 14 above. The amendment of claims 1, 7, and 14 is not an admission that Mazet teaches claims 1, 7, or 14 nor that Mazet in view of Amano renders the limitations obvious. The amendment instead reflects the Applicants' desire to expeditiously proceed and prosecute the resultant claims in this application.

4. The above response is necessary because it places the application in condition for allowance and was not previously entered because the Examiner first brought the grounds of rejection in the Final Office Action.

5. The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication may advance the prosecution of the present application. Notice of allowance of claims 1-20 is hereby respectfully requested.

Respectfully submitted,

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